

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND (NORTHERN DIVISION)**

THE CIT GROUP/EQUIPMENT FINANCING, INC., *

PLAINTIFF, *

V. * **CASE No. 03-CV-00197**

THE LANDMARK ASSOCIATED COMPANIES, INC., *

DEFENDANT. *

* * * * *

**MOTION OF THE CIT GROUP/EQUIPMENT FINANCING, INC.
TO REOPEN CASE AND REINSTATE JUDGMENT BY DEFAULT**

Plaintiff, The CIT Group/Equipment Financing, Inc. ("CIT"), by its attorneys and pursuant to FED. R. CIV. P. 7, respectfully requests that the Court reopen this case as to defendant The Landmark Associated Companies, Inc. ("Landmark") and reinstate judgment by default against Landmark, and in support thereof states as follows:

1. CIT filed its complaint (the "Complaint") in this matter on January 22, 2003.

2. This Court entered judgment by default (the "Judgment") against Landmark on September 26, 2003 in the amount of \$568,437.18, including a principal amount of \$546,218.91, attorneys' fees and expenses of \$22,218.27 and court costs, with post-judgment interest at the legal rate until the judgment is fully paid. A copy of the Judgment is attached hereto as Exhibit 1 and incorporated herein by reference.

3. Landmark filed a voluntary petition for relief under Chapter 11 of

Title 11 of the United States Code on September 8, 2003 in the United States Bankruptcy Court for the District of Maryland at Baltimore, Case Number 03-8-1232-SD.

4. In an Order dated October 2, 2003, this Court withdrew the Judgment and administratively closed this action as to Landmark. A copy of the Order is attached hereto as Exhibit 2 and incorporated herein by reference.

5. On December 18, 2003, the United States Bankruptcy Court dismissed Landmark's Chapter 11 bankruptcy case and terminated the automatic stay of 11 U.S.C. § 362(a). A copy of the order dismissing the bankruptcy case is attached hereto as Exhibit 3 and incorporated herein by reference.

6. This case is presently administratively closed as to Landmark.

7. CIT requests that the Court reopen the case as to Landmark and re-enter the judgment by default against Landmark that the Court withdrew in its October 2, 2003 Order.

WHEREFORE, The CIT Group/Equipment Financing, Inc. respectfully requests that the Court:

- A. Grant this Motion;
- B. Administratively reopen this case;
- C. Enter an Order granting judgment by default in CIT's favor and against The Landmark Associated Companies, Inc. in the total amount of \$568,437.18, including a principal amount of \$546,218.91, attorney's fees and expenses of \$22,218.27 and court costs, with post-judgment interest at the legal rate until the judgment is fully paid; and

- D. Grant such other and further relief as is appropriate under the circumstances.

/s/ Steven N. Leites

Steven N. Leites, Fed. Bar No. 05856
Gordon S. Young, Fed. Bar No. 14866
Leites, Leites & Friedberg, P.C.
25 Hooks Lane, Suite 302
Baltimore, MD 21208
(410) 486-2600
(410) 486-8438 Fax

*Attorneys for The CIT Group/
Equipment Financing, Inc.*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of April, 2004, a copy of the foregoing, along with exhibits and proposed order, were sent *via* first-class mail, postage prepaid, to:

The Landmark Associated Companies, Inc.
Attn.: Robert R. Gregory, Jr. Resident Agent
1601 Chickasaw Road
Arnold, MD 21012

/s/ Steven N. Leites

Steven N. Leites

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND (BALTIMORE DIVISION) **SEP 26 A 10: 5**

THE CIT GROUP/EQUIPMENT FINANCING, INC., *

PLAINTIFF, *

v. *

THE LANDMARK ASSOCIATED COMPANIES, INC., *

DEFENDANT.

* * * * *

CLERK'S OFFICE
AT BALTIMORE

_____**DEPUT**

CASE NO. 03-CV-00197

ORDER ENTERING DEFAULT JUDGMENT

It appearing from the record in this matter that entry of default for want of answer or other defense was made as to Defendant The Landmark Associated Companies, Inc. for failure of said defendant to plead or otherwise defend as provided by the Federal Rules of Civil Procedure; it appearing that The Landmark Associated Companies, Inc. was properly served on April 10, 2003, it is hereby:

ORDERED AND ADJUDGED, that default judgment be entered in favor of The CIT Group/Equipment Financing, Inc. and against Defendant The Landmark Associated Companies, Inc. for the amount of \$568,437.18, including a principal amount of \$546,218.91, attorney's fees and expenses of \$22,218.27 and court costs, with post-judgment interest at the legal rate until the judgment is fully paid.

DATE: Sept. 26, 2003

Copies to:

Steven N. Leitess, Esquire
Leitess, Leitess & Friedberg, P.C.
25 Hooks Lane, Suite 302
Baltimore, Maryland 21208


UNITED STATES DISTRICT JUDGE

The Landmark Associated Companies, Inc.
Attn.: Robert R. Gregory, Jr., Resident Agent
1601 Chicksaw Road
Arnold, MD 21012

Exhibit 1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

THE CIT GROUP/EQUIPMENT
FINANCING, INC.

Plaintiff(s)

vs.

THE LANDMARK ASSOCIATED
COMPANIES, INC.

Defendant(s)

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Civil Action No.: JFM-03-197

ORDER

The court having been advised that Landmark Associated Companies, Inc. has filed bankruptcy proceedings in which an automatic stay has been issued, it is, this 2nd day of October, 2003

ORDERED that

1. The default judgment entered on September 26, 2003 is withdrawn;
2. This action is stayed; and
2. This action is administratively closed without prejudice to the right of plaintiff(s) to move to reopen this action for good cause shown.

/s/

J. Frederick Motz
United States District Judge

SO ORDERED

Date signed December 18, 2003



James F. Schneider
JAMES F. SCHNEIDER
U. S. BANKRUPTCY JUDGE

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND**

In re
The Landmark Associates Companies, Inc.
Debtor

Bankruptcy No.:
03-8-1232-SD
Chapter 11

ORDER DISMISSING CHAPTER 11 CASE

Upon the motion of the U.S.Trustee to dismiss this case, and after notice and a hearing, and finding cause for dismissal under the provisions of 11 U.S.C. Sec.1112(b), and that the same is in the interests of creditors, it is hereby

ORDERED that this case is DISMISSED; and creditors are hereby notified of the termination of the automatic stay of 11 U.S.C. Sec.362(a).

E n d O f O r d e r

cc: All parties in interest

U.S.Trustee

Exhibit 3